

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIEL CORDERO, KELLY HYDE, and KEVIN :
HYDE, on behalf of themselves and on behalf of all :
other similarly-situated individuals, :
: Civil Case No.

Plaintiffs, :
: 12-CV-3208 (GRB)

-against- :
:

NEW YORK INSTITUTE OF TECHNOLOGY, :
:

Defendant. :
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~~PROPOSED~~ **FINAL ORDER GRANTING APPROVAL OF CLASS SETTLEMENT,
SERVICE AWARDS TO NAMED PLAINTIFFS, AND ATTORNEYS' FEES AND
EXPENSES TO CLASS COUNSEL**

JTB

WHEREAS, on June 27, 2012, the Complaint was filed in the above-captioned action by
Named Plaintiffs Daniel Cordero, Kelly Hyde and Kevin Hyde ("Named Plaintiffs"), and was
styled as a class and collective action;

WHEREAS, on September 5, 2012, Defendant New York Institute of Technology
("Defendant," together with Named Plaintiffs, the "Parties") served a Motion to Dismiss the
Complaint;

WHEREAS, on June 20, 2013, The Honorable Sandra J. Feuerstein denied Defendant's
Motion to Dismiss;

WHEREAS, on July 22, 2013, Defendant filed an Answer to the Complaint, denying the
causes of action alleged in the Complaint;

WHEREAS, on April 29, 2014, the Parties participated in a settlement conference before
The Honorable Gary R. Brown, which was unsuccessful;

WHEREAS, on December 2, 2014, as a result of extensive discovery and substantial arms-length negotiation, the parties reached a resolution in principle;

WHEREAS, the Parties executed the Settlement Agreement and Release (the "Settlement"), which is attached as Exhibit A to the Declaration of David E. Gottlieb, and is incorporated herein by reference;

WHEREAS, the Settlement resolves Named Plaintiffs' claims as well as the class or collective claims arising from this action;

WHEREAS, on June 10, 2015, Named Plaintiffs filed an Unopposed Motion for Preliminary Approval of the Settlement;

WHEREAS, on November 17, 2015, the Court preliminarily approved the Settlement and ordered Named Plaintiffs to submit a Motion for Final Settlement Approval by March 3, 2016 in anticipation of a fairness review hearing on March 17, 2016;

WHEREAS, on or about March 3, 2016, Named Plaintiffs filed an Unopposed Motion for Final Approval of Class Settlement and Service Awards to Named Plaintiffs, and an Unopposed Motion for Approval of Attorneys' Fees and Expenses for Class Settlement;

WHEREAS, the Court has reviewed the Settlement and the Unopposed Motion for Final Approval of Class Settlement and Service Awards to Named Plaintiffs, and an Unopposed Motion for Approval of Attorneys' Fees and Expenses for Class Settlement; and

WHEREAS, the Court held a fairness review hearing on March 17, 2016, which was attended by counsel for all Parties;

IT IS HEREBY ORDERED THAT:

1. The Court certifies the Settlement Class of:

All employees who worked for Defendant at the de Seversky Mansion as a server, waiter, waitress, captain, bartender, or other similar and/or related service position between June 27, 2006 and May 31, 2012.

2. This Court grants final approval of the Settlement and all terms set forth in the Settlement, and finds that the Settlement is, in all respects, a fair, reasonable, and adequate resolution of Named Plaintiffs' and Class Members' claims.

3. This Court further approves service awards in the amounts of ~~\$15,000.00~~ ^{\$10,000.00} each to Named Plaintiffs Daniel Cordero, Kelly Hyde and Kevin Hyde, to be paid from the Settlement Fund. DLB.

4. This Court further approves and awards Class Counsel \$541,666.66 in attorneys' fees, and \$10,205.52 in out-of-pocket expenses to be paid from the Settlement Fund.

5. This Court further approves the Claims Administrator's, Garden City Group, Inc., fees and costs to be paid from the Settlement Fund.

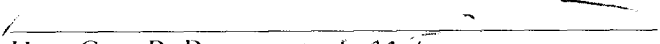
6. This entire action is dismissed with prejudice, and without costs to any party. All Named Plaintiffs and Class Members release any and all claims pursuant to the Settlement, other than those who opt-out of the Settlement.

7. The parties having so agreed, good cause appearing, and there being no just reason for delay, this is hereby entered as a final judgment and order approving Class Settlement of Named Plaintiffs' and Class Members' claims, service awards to Named Plaintiffs, the payment of attorneys' fees and costs to Class Counsel, and dismissing the entire action, upon the fulfillment of the Settlement terms.

8. The Court retains jurisdiction over the interpretation of the Settlement, should any issues arise.

Dated: March 17, 2016
New York, New York

SO ORDERED:



Hon. Gary R. Brown, U.S.M.J.
United States District Court